

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MICHAEL KEVIN HOFFMAN,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 06-473-JJF
	:	
VINCENT BIANCO , Warden,	:	
and CARL C. DANBERG , Attorney	:	
General for the State of Delaware,	:	
	:	
Respondents.	:	

**MOTION FOR EXTENSION OF TIME TO FILE
CERTIFIED STATE COURT RECORDS**

1. The petitioner, Michael Kevin Hoffman, has applied for federal habeas relief challenging his June 2006 violations of probation and re-sentencings by a Delaware Superior Court judge based on his original 1999 conviction by guilty plea for sexual solicitation of a child. D.I. 1. The undersigned filed an answer to the petition on December 1, 2006.

2. By the terms of the Court's order, the respondent is directed to attach to the answer certified copies of the state court records material to the questions raised in the petitioner's appeal.

3. Due to the large volume of record retrieval recently required by prosecutors in the appeals division, the undersigned has been unable to obtain the certified state court records in order to file them contemporaneously with the answer. The undersigned anticipates obtaining and copying the records on or before December 29, 2006.

4. Respondent submits that an extension of time to December 29, 2006 in which to file certified copies of the material portions of the state court records in this case is reasonable.

Respondent submits herewith a proposed order.

/s/ Elizabeth R. McFarlan
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar. ID No. 3759
elizabeth.mcfarlan@state.de.us

Date: December 1, 2006

RULE 7.1.1 CERTIFICATION

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ Elizabeth R. McFarlan
Deputy Attorney General

Counsel for Respondents

Date: December 1, 2006

CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2006, I electronically filed this motion for extension of time to file certified state court records and attachments with the Clerk of Court using CM/ECF. I also hereby certify that on December 1, 2006, I have mailed by United States Service, two copies of the same documents to the following non-registered participant:

Michael Kevin Hoffman
SBI No. 426044
Sussex Correctional Institute
P.O. Box 500
Georgetown, DE 19947

/s/ Elizabeth R. McFarlan
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
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General for the State of Delaware,	:	
	:	
Respondents.	:	

ORDER

This ____ day of _____, 2006,

WHEREAS, respondents having requested an extension of time in which to file certified state court records, and

WHEREAS, it appearing to the Court that the requested extension is timely made and good cause has been shown for the extension,

IT IS HEREBY ORDERED that certified state court records shall be filed on or before December 29, 2006.

United States District Judge